

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**KELVIN A CANADA, et al.,**  
**Plaintiff,**

**v.**

**HAROLD CLARKE, et al.,**  
**Defendant(s).**

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**Civil Action No. 7:14-cv-00566**

**OPINION**

**By: James P. Jones**  
**United States District Judge**

Kevin Batte, #1035905, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983. By Order entered October 16, 2014, the court directed plaintiff to submit within 10 days from the date of the Order a signed and dated complaint, a statement of assets form, an inmate account form, and a certified copy of plaintiffs trust fund account statement for the six-month period immediately preceding the filing of the complaint, obtained from the appropriate prison official of each prison at which plaintiff is or was confined during that six-month period as well as an executed verified statement form. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 10 days have elapsed, and plaintiff has failed to comply with the described conditions. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 31<sup>st</sup> day of October, 2014.

s/ James P. Jones  
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United States District Judge